

# Salt Lake Democrat.

MONDAY, JUNE 8, 1885.

## ARRIVALS AND DEPARTURES OF MAILS

at the Salt Lake City Postoffice.

ARRIVE.	GO.
Eastern 8:00 p.m.	7:30 a.m.
California and North 8:00 p.m.	7:30 a.m.
D. & R. G. East 8:00 p.m.	7:30 a.m.
Ogden, Utah 8:00 p.m.	7:30 a.m.
Park City 8:00 p.m.	7:30 a.m.
Twelve County 8:00 p.m.	7:30 a.m.
Alta, Utah 8:00 p.m.	7:30 a.m.
Bingham, Utah 8:00 p.m.	7:30 a.m.
Southern Utah 8:00 p.m.	7:30 a.m.

The above is standard mountain time.

JOHN T. LYNCH, Postmaster.

Salt Lake City, Utah, March 22, 1885.

## Silver Quotations.

(Corrected daily by Wells, Fargo & Co.)

Silver, New York 1.07

Silver, London 49 1/2

Lead New York, per 100 lbs. 2.65

## Hats! Hats! Hats!

Spring and Summer Styles now in. We

are Sole Agents for all the fine New York

Hatters, including Youmans, Knox's,

Silverman and Thomas Townsend & Co.,

London. We also carry a complete line

of John B. Stetson & Co.'s Fine Hats.

NORRIS, WOOD & CO.,

The Exclusive Hatters.

## To the Public.

Subscribers to the DEMOCRAT are re-

spectfully requested to report, without

delay, any neglect in delivering, or any

undue lateness in the delivery of the

paper. A postal card on this subject ad-

ded to THE DEMOCRAT will always

meet prompt attention.

## LOCAL JOTS.

"Religion and Science" at the Opera

House to-night.

Robert Stewart, for a Sunday drunk,

paid the city \$5 to-day.

John L. Pierce, for being drunk and

disorderly, paid the city \$10 to-day by

feet.

Thomas Howard, for stealing a ride on

the Utah Central, was assessed \$5 to-day

by Justice Speer.

The D. & R. G. trains start out to-mor-

row. The swollen streams have lowered

three feet during the past few hours.

James Reed and James O'Brien were

fined \$10 each to-day in the Police Court

for stealing a ride on the Utah Central

Railway.

McCormick & Co. to-day received two

cans of Hammer bullion, valued at \$3,900,

and one can of Queen of the Hills ore,

\$1,400; total, \$5,300.

Peter Flannigan got very drunk and

became obnoxious and profane. He was

consequently arrested, and to make the

affair memorable was fined \$10 in court

to-day.

Mr. George Barton will open his new

store, No. 280 S. Main street, to-morrow,

at which place his friends will find him

with a fine, fresh stock of groceries,

fruits, etc.

Jack Albeck became uproariously

drunk and trespassed against one of the

ten commandments and the laws of Utah.

He was accordingly taxed \$10 to-day in

the Police Court.

The Olympic Club is meeting with the

most encouraging success. Three hundred

and fifty dollars has been banked by the

club, awaiting the arrival of apparatus on

the 11th inst, on which night all members

will meet at the rink.

The Salt Lake Herald is materially im-

proving its local columns of late. Yester-

day it contained a half-column article

taken from Saturday's DEMOCRAT, and

forgot to give credit for the same. What

the local editor of that sheet has not

brains to get, he has got shrewdness

enough to steal.

## PERSONAL.

A. Idleman, of Cheyenne, commercial

tourist, is in town.

J. R. Wilkins, Esq., clerk of the Sec-

ond District Court, is spending a few

days at the capital.

Mr. George King, general agent of the

Anheuser-Busch Brewing Association, St.

Louis, is in the city.

Mr. Charles Ingalls, claim agent for

the D. & R. G. W., goes to Idaho this

week on a brief visit.

Henry S. Greene, agent of the Madis-

son Square "Private Secretary" company

is stopping at the Valley House.

J. Van Deusen, agent of the Denman

Thompson Company, in "Joshua Whit-

comb," is a guest at the Valley House.

Dr. Henley's Celery, Beef and Iron

cures Indigestion and Dyspepsia.

## How to Consult Dr. Foote, Sr., by Mail.

Dr. Foote, Senior, author of "Plain

Home Talk," "Medical Common Sense,"

etc., etc., would say to those who would

like to consult him by mail that they can

have a list of questions and a circular of

gratuitous advice by addressing Box 414,

Salt Lake City. The doctor has arranged

to have such information supplied in this

way to save time. Receiving such printed

matter the correspondent can describe

his or her case fully and direct it to the

doctor, in New York. Dr. Foote is

successfully treating all forms of chronic

diseases, a specialty to which he has de-

voted thirty years of study and practice.

Evidences of his success can also be had

by addressing Box 414, as above, but all

letters of consultation and orders for

remedies should be addressed to Dr. E. B.

Foote, Sr., 120 Lexington Avenue,

New York City, N. Y. Consultation free.

An advertisement of Dr. Foote, Sr., in

another place deserves attention.

## Salt Lake City Brewing Company.

M. CULLEN, H. W. MORSE,

## SIMPSON'S APPEAL.

A Pen-ened Polygamist Catching at a

Straw.

The Defense Avers That a First Mar-

riage Was Not Proved.

But Dickson Asserts That a Consensual

Marriage is a Valid One.

The case of the United States, respond-

ent, vs. Thomas Simpson, appellant, came

up this morning in the Supreme

Court of Utah, before Judges Zane, Bore-

man and Powers. It will be remembered

that the appellant, Simpson, was in-

dicted for the crime of polygamy in the

Third District Court of Utah, July 12th,

1884. He was tried and convicted

March 11th, 1885. On the 14th day of

last March he made a motion for a new

trial, which was overruled by the court,

and the appellant was thereupon sen-

tenced to a term of imprisonment in the

Utah Penitentiary. He now appeals to

the Supreme Court from the order over-

ruling a motion for a new trial, and from

the entire judgment of the Third District

Court.

Mr. C. O. Whitmore stated the prin-

cipal question involved to be, what evi-

dence is necessary to be shown by the

prosecution to prove a valid first mar-

riage in cases of polygamy. In dwelling

upon

THE ASSIGNED ERRORS

Mr. Whitmore stated that the Court

erred in giving the following instructions

to the jury, at the request of the prosecu-

tion, which are claimed to be erroneous

in conveying the idea that no strictness

is required to establish a marriage in

cases of this kind.

THE CLAIMED ERRONEOUS INSTRUCTIONS.

You are further instructed that it is not

necessary in order to establish a marriage

to produce any witness who was present

at such marriage. You may infer the mar-

riage from the deliberate declarations or ad-

missions of the defendant, that this woman

is my wife, if you believe, from all the evi-

dence in the case, that such declarations

and admissions were in fact made by him.

In the defendant's arguments many

cases were cited from other courts to

show that simple admissions, without

evidence and proof, were not sufficient to

convict.

MR. DICKSON'S ARGUMENT.

United States Prosecuting Attorney

Dickson maintained that the only vital

question involved in this appeal is

whether or not the alleged first marriage

of defendant could be established by his

deliberate admissions and confessions.

In considering the question we must

lose sight of the fact that such marriage

was claimed to have taken place in En-

gland; that there was no evidence what-

ever of what was necessary to constitute

a valid marriage in England; and that by

the law of Utah there is no statute regu-

lating marriages or prescribing any form

of ceremony as essential to the validity

thereof. It is left as it was at common

law, and a consensual marriage, simply,

is in all respects valid. In the absence

of evidence to the contrary, the pre-

sumption of the law is that

THE LAW OF ENGLAND

Respecting the requisites of a valid mar-

riage is the same as the common law of

the forum. In the absence of evidence

to the contrary, the presumption is that

a marriage in England could have taken

place without witnesses or ceremony, and

without record. They could have met

on the highway at any time of the day or

night and could have made a contract of

marriage, which deliberate admissions

would be sufficient to prove.

With no provisions in Utah for such

breaches of the law, the resulting conse-

quences are evident.

THERE IS NO RECORD, THERE IS NO

WITNESS.

If the confession should be held incom-

petent or insufficient, as a matter of law,

then the people of Utah, where con-

sensual marriages are recognized, may

transgress the law prohibiting poly-

gamy with impunity. The only pre-

caution they need to observe is to enter

into the first or lawful marriage secretly,

without witnesses, and they may

LAUGH THE LAW TO SCORN.

And boast daily of its transgression.

The case was submitted and taken

under advisement.

Monsignor Capel's Lecture.

Mr. Capel, with his secretary, Mr.

Bradshaw, reached Salt Lake City Sat-

urday evening by the Union Pacific.

He was met at the depot by Rev. Mr. Scan-

lan and Rev. Mr. Kiely. Together with

Mr. Cox they drove to the Walker House,

where the Monsignor will remain during

his stay. Our visitor was called upon by

Governor Murray, Dr. Allan Fowler,

Dr. Potter, Messrs. Walker, Raybold,

J. J. O'Reilly and others. This evening

at 8 o'clock the Monsignor will deliver a

lecture in the Opera House on "Is Reli-

gion Opposed to Science?"

THE TALK AT THE TABERNACLE.

Elder W. H. Nesbitt occupied the time

at the Tabernacle yesterday afternoon.

A large number of the Raymond excu-

sionists were present and were made ac-

quainted with all the redeeming prin-

ciples and practices of "a peculiar people."

Nothing but the palatable customs and

habits of the Church were dealt out to

the visitors, who seemed highly enter-

tained by what they heard.

Dr. Henley's Celery, Beef and Iron

## "JOHN THE BAPTIST."

The Long-Haired Itinerant Who

Has a Mission in Utah.

A mysterious, long-haired, religious

crank has been perambulating the thor-

oughfares of Zion for the past few days,

and his scabby habiliments, together with

a yellow, much-worn hand-satchel danc-

gling on his arm, gives him a very forlorn

aspect.

With his jaunty, "devil-may-care" air,

and eccentric manner of wearing a heavy

beard under his cadaverous jaws and

the balance of his face being shaven

half down his back, he at once arouses

the curiosity of all who behold him. He

seems to be an itinerant curb-stone

gospel expounder, and from the harangues

we have listened to at different times de-

livered by him, we have gathered that he

is a person unacquainted with the in-

its and outs of inane asylums can-

not conceive or understand what he is

driving at.

What his mission among this people is

—although claiming to be a direct repre-

sentative of Jesus Christ—being shav-

ing only by the back of his head, and

only by the back of his head, and

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